IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.112 OF 2007
IN
CRIMINAL APPEAL NO.116 OF 2007

Kumar @ Sujit Meenath Devkule ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.S.A.Shinde i/b. Vinod Shah, Adv. for Applicant.
Mr.D.P.Adsule, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 6th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused No.4 and the learned APP for the State.

2. The applicant has been convicted under Section 395 of IPC and sentenced to suffer imprisonment for five years. The applicant is now seeking bail.

3. It is the prosecution case that one Satish was riding motorcycle and the complainant was the

pillion rider. The complainant was carrying bag containing approximately Rs.2.25 lakhs with him which was to be deposited in the bank. At that time one Indica car came and dashed him. The persons in the Indica car got down and one of them threw chilly powder and other gave stick blow on the hand of complainant and snatched the bag containing cash. It is the prosecution case that at that time the present applicant was sitting nearby on a stone and immediately after the incident he sat in the Indica car and went away.

4. The learned Advocate for the applicant has submitted that the applicant has not taken part in actual incident of throwing chilly powder or assaulting the complainant and snatching the bag containing cash. He further submitted that from the role attributed by complainant and PW-10 it does not show that the applicant was part of the gang who robbed the complainant. However, on the other hand the learned APP has pointed out that the applicant was indeed part of that gang which is seen from the fact that cash of about Rs.49,000/- came to be recovered at the instance of applicant from his residence. The learned

Advocate for the applicant pointed out that there are certain discrepancies in respect of recovery. However, I do not find the said discrepancies to be material.

5. Looking to facts of this case and the evidence on record, I am not inclined to grant bail to the applicant. Application is rejected.

. Appeal expedited.

(SMT.V.K.TAHILRAMANI,J.)